

**22988. Misbranding of Throt-Ease. U. S. v. 118 Bottles of Throt-Ease. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32810. Sample no. 69896-A.)**

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was claimed for the article that it was a harmless preparation, whereas it contained ingredients that might be harmful.

On June 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bottles of Throt-Ease at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Armour Sales Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Throt-Ease \* \* \* The Tonsilo Company, Wheeling, West Virginia."

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium chlorate (0.4 gram per 100 milliliters), iron chloride (0.4 gram per 100 milliliters), quinine hydrochloride (0.3 gram per 100 milliliters), glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "A Harmless Preparation", was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Shipping carton) "Dont Have Your Tonsils Removed Use Throt-Ease For Sore Throat and Tonsilitis \* \* \* Throat Preparation \* \* \* It knocks The Devil Out of Sore Throats"; (individual carton) "Throt-Ease For Sore Throat and Tonsilitis \* \* \* Throt-Ease"; (bottle) "Throt-Ease For Sore Throat and Tonsilitis."

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22989. Adulteration and misbranding of Luden's Antiseptic Cough Drops. U. S. v. 111 Cartons of Luden's Antiseptic Cough Drops. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32811. Sample no. 41479-A.)**

This case involved a shipment of Luden's Antiseptic Cough Drops. Examination showed that the article was antiseptic, that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, and that the packages contained less than 2 ounces, the labeled weight.

On June 4, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 cartons of Luden's Antiseptic Cough Drops at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 24, 1934, by Luden's, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of lozenges of sugar containing a small proportion of a local anesthetic such as benzocain, and volatile oil including menthol, thymol, and eucalyptol. Bacteriological examination showed that it was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading: (Display carton, retail carton, and labels for the individual lozenge) "Antiseptic"; (retail carton only) "These drops dissolved slowly in the mouth, produce a prolonged Antiseptic Action. \* \* \* Net Weight 2 Ozs." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Retail carton) "Use Luden's Antiseptic Cough Drops in the treatment of Coughs \* \* \* Sore Throats and similar ailments."

On August 29, 1934, Luden's, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond